

NOTICE OF OBJECTION TO CONFIRMATION

STRUCTURED ASSET MORTGAGE INVESTMENTS II INC., BEA TRUST, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES BANK NATIONAL ASSOCIATION, AS TRUSTEE, BY PHH MORTGAGE CORPORATION AS SERVICER WITH DELEGATE AUTHORITY UNDER THE TRANSACTION DOCUMENTS has filed papers with the Court to object to the Confirmation of the Chapter 13 Plan.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

If you do not want the Court to object to the Confirmation of the Chapter 13 Plan, or if you want the Court to consider your views on the Objection, then on or before, you or your attorney must:

1. File with the Court an answer, explaining your position at:

**Clerk  
U.S. Bankruptcy Court  
400 Cooper Street, 4<sup>th</sup> Floor  
Camden, NJ 08101**

If you mail your response to the Court for filing, you must mail it early enough so that the Court will *receive* it on or before the date stated above.

You must also mail a copy to:

Phelan Hallinan Diamond & Jones, PC  
400 Fellowship Road, Suite 100  
Mt. Laurel, NJ 08054

ISABEL C. BALBOA  
CHAPTER 13 STANDING TRUSTEE  
CHERRY TREE CORPORATE CENTER  
535 ROUTE 38 - SUITE 580  
CHERRY HILL, NJ 08002

2. Attend the hearing scheduled to be held on 01/10/2018 in the CAMDEN Bankruptcy Court, in Courtroom 4C, at the following address:

**U.S. Bankruptcy Court  
400 Cooper Street, 4<sup>th</sup> Floor  
Camden, NJ 08101**

If you or your attorney do not make these steps, the Court may decide that you do not oppose the relief sought in the Objection and may enter an Order granting that relief.

Dated: December 21, 2017

/s/ Sherri J. Braunstein  
Sherri J. Braunstein, Esq.  
Phelan Hallinan Diamond & Jones, PC  
400 Fellowship Road, Suite 100  
Mt. Laurel, NJ 08054  
Tel: 856-813-5500 Ext. 47923  
Fax: 856-813-5501  
Email: sherri.Braunstein@phelanhallinan.com

**File No. 798919**

Phelan Hallinan Diamond & Jones, PC  
400 Fellowship Road  
Mt. Laurel, NJ 08054  
856-813-5500

FAX Number 856-813-5501

STRUCTURED ASSET MORTGAGE INVESTMENTS II INC., BEA TRUST, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES BANK NATIONAL ASSOCIATION, AS TRUSTEE, BY PHH MORTGAGE CORPORATION AS SERVICER WITH DELEGATE AUTHORITY UNDER THE TRANSACTION DOCUMENTS

In Re:

AUDREY E NORMAN

Debtor

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEW JERSEY  
CAMDEN VICINAGE

Chapter 13

Case No. 17-28144 - JNP

Hearing Date: 01/10/2018

The undersigned, Phelan Hallinan Diamond & Jones, PC, attorneys for Secured Creditor, STRUCTURED ASSET MORTGAGE INVESTMENTS II INC., BEA TRUST, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES BANK NATIONAL ASSOCIATION, AS TRUSTEE, BY PHH MORTGAGE CORPORATION AS SERVICER WITH DELEGATE AUTHORITY UNDER THE TRANSACTION DOCUMENTS, the holder of a Mortgage on debtor's residence located at 207 ELM AVENUE, WOODLYNNE, NJ 08107 hereby objects to the Confirmation of the debtor's proposed Chapter 13 Plan on the following grounds:

1. Secured Creditor is STRUCTURED ASSET MORTGAGE INVESTMENTS II INC., BEA TRUST, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES BANK NATIONAL ASSOCIATION, AS TRUSTEE, BY PHH MORTGAGE CORPORATION AS SERVICER WITH DELEGATE AUTHORITY UNDER THE TRANSACTION DOCUMENTS.
2. Debtor, AUDREY E. NORMAN is the owner of the property located at 207 ELM AVENUE, WOODLYNNE, NJ 08107.

3. Secured Creditor is in the process of drafting and filing a Proof of Claim. The approximate arrears are \$97,007.60.
4. Debtor's Plan does not provide for payment of arrears to Secured Creditor. Debtor's Plan provides for the Debtor's pursuit of a loan modification. Debtor's Plan is speculative in nature in that the Plan contemplates curing the arrears through a loan modification that has neither been offered nor approved.
5. Debtor's Plan fails to cure the delinquency pursuant to 11 U.S.C. §1322(b)(5). Secured Creditor objects to Debtor's Plan as it is underfunded.
6. Debtor's Plan should be amended to fully fund the arrears owed to Secured Creditor. Absent a modification by the Debtor, confirmation of Debtor's proposed Plan should be denied.

WHEREFORE, STRUCTURED ASSET MORTGAGE INVESTMENTS II INC., BEA TRUST, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES BANK NATIONAL ASSOCIATION, AS TRUSTEE, BY PHH MORTGAGE CORPORATION AS SERVICER WITH DELEGATE AUTHORITY UNDER THE TRANSACTION DOCUMENTS respectfully requests that the Confirmation of Debtor's Plan be denied.

Dated: December 21, 2017

/s/ Sherri J. Braunstein  
Sherri J. Braunstein, Esq.  
Phelan Hallinan Diamond & Jones, PC  
400 Fellowship Road, Suite 100  
Mt. Laurel, NJ 08054  
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UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY  
**Caption in Compliance with D.N.J. LBR 9004-1(b)**

798919  
PHELAN HALLINAN DIAMOND & JONES, PC  
400 Fellowship Road, Suite 100  
Mt. Laurel, NJ 08054  
856-813-5500  
Attorneys for STRUCTURED ASSET MORTGAGE  
INVESTMENTS II INC., BEA TRUST, MORTGAGE  
PASS-THROUGH CERTIFICATES, SERIES BANK  
NATIONAL ASSOCIATION, AS TRUSTEE, BY  
PHH MORTGAGE CORPORATION AS SERVICER  
WITH DELEGATE AUTHORITY UNDER THE  
TRANSACTION DOCUMENTS

In Re:

AUDREY E NORMAN

Case No: 17-28144 - JNP

Hearing Date: 01/10/2018

Judge: JERROLD N. POSLUSNY  
JR.

Chapter: 13

**CERTIFICATION OF SERVICE**

1. I, Michael Rocks:

☐ represent the \_\_\_\_\_ in the above-captioned matter.

☒ am the secretary/paralegal for Phelan Hallinan Diamond & Jones, PC, who represents STRUCTURED ASSET MORTGAGE INVESTMENTS II INC., BEA TRUST, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES BANK NATIONAL ASSOCIATION, AS TRUSTEE, BY PHH MORTGAGE CORPORATION AS SERVICER WITH DELEGATE AUTHORITY UNDER THE TRANSACTION DOCUMENTS in the above captioned matter.

☐ am the \_\_\_\_\_ in the above case and am representing myself.

2. On December 21, 2017 I sent a copy of the following pleadings and/or documents to the parties listed below:

Objection to Plan

3. I hereby certify under penalty of perjury that the above documents were sent using the mode of service indicated.

Dated: December 21, 2017

/s/ Michael Rocks

Michael Rocks

Name and Address of Party Served	Relationship of Party to the Case	Mode of Service
AUDREY E. NORMAN 309 W MAIDEN LANE SOMERDALE, NJ 08083	Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
AUDREY E. NORMAN 207 ELM AVENUE WOODLYNNE, NJ 08107	Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
GEORGETTE MILLER, ESQUIRE 335 EVESHAM AVENUE LAWNSIDE, NJ 08045	Debtor's Attorney	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
ISABEL C. BALBOA CHAPTER 13 STANDING TRUSTEE CHERRY TREE CORPORATE CENTER 535 ROUTE 38 - SUITE 580 CHERRY HILL, NJ 08002	Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular Mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)

\* May account for service by fax or other means as authorized by the court through the issuance of an Order Shortening Time.